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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

ALPINE.035AUS

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on July 19, 2007

Signature Yasuo Muramatsu

Typed or printed name Yasuo Muramatsu

Application Number

10/762,793

Filed

01/22/2004

First Named Inventor

Tatsuo Yokota

Art Unit

3663

Examiner

Ronnie Mancho

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

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attorney or agent of record.

Registration number

38,684

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

Yasuo Muramatsu

Signature

Yasuo Muramatsu

Typed or printed name

949-753-1127

Telephone number

07/19/2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐

*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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ALPINE.035AUS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Tatsuo Yokota) Group Art Unit 3663
Serial No. : 10/762,793)
Filed : January 22, 2004)
For : DISPLAY METHOD AND)
APPARATUS FOR NAVIGATION)
SYSTEM INCORPORATING TIME)
DIFFERENCE AT DESTINATION)
Examiner : Ronnie M. Mancho)

ARGUMENTS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Hon. Commissioner
of Patents and Trademarks
Alexandria, VA 22313-1450

Dear Sir:

In response to the office action dated April 19, 2007, the applicant requests review of the legal and factual basis of the final rejection in the above-identified patent application. This review being requested because of clear errors in the examiner's rejections and the examiner's omission of essential elements need for a prima facie rejection. This request is accompanied by a Notice of Appeal submitted concurrently herewith.

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REMARKS

Claims 1-30 are pending where Claims 1 and 16 are independent, where the most recent listing of claims is provided in the applicant's response dated January 15, 2007. In the final office action, the examiner rejected all of the claims on the basis of substantially the identical rejections as in the previous office actions dated October 3, 2005, March 30, 2006, and September 13, 2006. Namely, in the final office action, the examiner rejected Claims 1-30 under 35 U.S.C. 102(b) as being anticipated by Delorme et al. (U.S. Patent No. 6,321,158) by repeating the same reasoning as in all of the prior office actions.

As stated in the specification, the gist of the present invention is to allow the user to know the estimated arrival time at the destination well before the user actually arrives at the destination so that the user is fully prepared for a meeting, an event at a selected POI, etc. at the destination. For this purpose, the estimated arrival time must be expressed by the local time of the destination including the daylight saving time if any. Further for this purpose, the user needs to know the estimated arrival time well before arriving at the destination, i.e., at the current position of the user which is away from the destination.

In the present invention, as clearly recited in Claims 1 and 16, the method and apparatus (1) calculates an estimated time of arrival (ETA) at the destination based on the local time of the destination and the daylight saving time of the destination based

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on the retrieved information, and (2) informs the user of the ETA at the destination and a current time at the current position which is away from the destination.

Notwithstanding this clarification, the final office action dated April 19, 2007 repeats the previous rejections with no substantive changes in the explanation of the rejection. The examiner failed to show any prima facie evidence that supports the rejection under 35 U.S.C. 102(b). For example, with respect to the local time at the destination, the examiner stated that the cited Delorme discloses local time and daylight saving time anywhere the user is located and that when the user is at the destination and taps the DST option, the system of Delorme will display the time offset or daylight saving time to the user at the destination (ex. page 11, lower half of final office action dated 04/19/2007). As recognized by the examiner, in the cited Delorme, to know the local time and the daylight saving time at the destination, the user has to be located at the destination. From the purpose of the present invention and the recitation of the claims, it is clear that in the present invention, the method and apparatus is able to calculate and inform the local time at the destination when the user is located at the current position which is away from the destination. Since the examiner has ignored or failed to properly consider this essential difference, there is a clear error in the examiner's rejection and the examiner's omission of essential elements needed for a prima facie rejection.

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Further, the method and apparatus of the present invention calculates an estimated time of arrival (ETA) at the destination based on the local time of the destination and the daylight saving time of the destination and informs the ETA. Throughout the prior and current office actions, the examiner indicates that this feature is disclosed by the cited Delorme reference. Although there are recitations about an "estimated travel time" in the cited the Delorme reference, there is no indication about an "estimated arrival time" which are clearly different concepts from one another. The applicant has explained the difference between the two concepts of estimated time in the previous responses dated July 11, 2006 and January 15, 2007, however, the examiner has ignored this argument and failed to provide any basis that the two concepts are identical to one another.

In the present invention, and also known in the art, the "estimated arrival time" is an estimated local time at arrival at the destination while the "estimated travel time" is an estimated time length of travel from the current position until reaching the destination, thus different from one another. Throughout the previous and current office actions, the examiner has failed to show the reason why the "estimated arrival time" and the "estimated travel time" are the same. The applicant submits that even when the current position and the destination are in the same time zone, the "estimated arrival time" which is an absolute time, i.e., a local time expressed, for example, as 7:30 pm, and the "estimated

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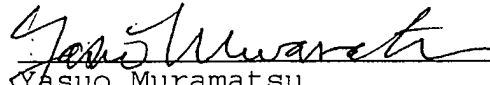
travel time" which is a relative time, i.e., a time length expressed, for example, as 1 hour and 30 minutes, thus, they are different from one another. Since the examiner has ignored or failed to properly consider this essential difference, there is a clear error in the examiner's rejection and the examiner's omission of essential elements needed for a prima facie rejection.

In view of the arguments presented in the responses dated January 3, 2006, July 11, 2006, January 15, 2007 and the supplemental arguments presented herein, the applicant submits that the final office action dated April 19, 2007 fails to set forth prima facie rejections for the claims of the present invention. Accordingly, the applicant respectfully request a finding that the application is allowed on the existing claims.

Respectfully submitted,

MURAMATSU & ASSOCIATES

Dated: 7/19/2007

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